

AMESBURY

CITY HALL
62 Friend Street
Amesbury, MA 01913
978-388-8100

Special City Council Meeting Minutes VIRTUAL MEETING Tuesday, October 19, 2021 6:30 pm or immediately following Ordinance Committee

This meeting will be conducted under S. 2475, An act relative to extending certain COVID-19 measures adopted during the state of emergency, signed on June 16, 2021

The public can view this meeting on:

- ACTV Channel 12
- the ACTV website: amesburyctv.org/channel-12-live
- or the ACTV Facebook Page: www.facebook.com/AmesburyCommunityTelevision

Public comment can be made by:

- Emailing your comment in **advance** to clerk@amesburyma.gov. Your comment will be read aloud at the appropriate time in the agenda and entered into the public record.
- Commenting on the Facebook Live stream on Amesbury Community Television's Facebook page, <https://www.facebook.com/AmesburyCommunityTelevision>. Please begin your comment with PUBLIC COMMENT if you would like it to be read aloud. If the public hearing for the item you wish to speak on has already been closed, your comment will be added to the record but not read aloud

Members of the public may dial in to GoToMeeting at **+1 (312) 757-3121 Access Code: 441-545-749**. Copies of agenda items (first and second readings) can be found online at www.amesburyma.gov/city-council/pages/2021-council-bills

Meeting was called to order at 7:08pm

Members present: Councilor Wheeler, Councilor Gilday, Councilor Hogg, Councilor Kisieleski, Councilor Lennon, Councilor Mandeville, Councilor Rinaldi, Councilor Stanganelli and Councilor Einson

Second Readings

Public Hearings – (continued from October 12, 2021 CC meeting)

2021-107 An Ordinance to Establish a Means-Tested Senior Citizen Rental Assistance Program. - Councilor Stanganelli, Rinaldi and Hogg Sponsor

Summary: An Ordinance to establish a means-tested rental assistance program for senior citizens.

Councilor Stanganelli read the Finance Committee recommendation of September 28, 2021 in which they sent back without a recommendation.

Councilor Mandeville read the Ordinance Committee recommendation of September 21, 2021 in which they sent back a negative recommendation.

Councilor Stanganelli read the Housing Trust recommendation in which they sent back a positive recommendation.

Councilor Einson opened and closed the public hearing.

He questioned why the Ordinance Committee returned a negative recommendation.

Councilor Mandeville stated that although it was not the purview of the Ordinance Committee, it was that

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there was a lack of funding for it to be supported given the funding sources in place that the Housing Trust has available to them. There wasn't an Ordinance issue raised.

Councilor Lennon stated that in the Ordinance Committee they did discuss the fact that the Housing Trust is entrusted with their own capacity to make their own decisions. They didn't feel like it was within the scope of their Ordinance work to assert how the Housing Trust should be managing their funds. The Ordinance itself didn't really have business in Ordinance.

Councilor Stanganelli stated that at last week's meeting there was a report by the Amesbury Housing Trust that was read into the record which included the background information on this.

Councilor Lennon pointed out that submitting information for discussion to the entire council via e-mail would be deliberating outside of the hearing. So, for the council to actually consider the comments that Councilor Stanganelli submitted via e-mail to all of us, would at this time have to be read into the record.

Councilor Stanganelli stated that he did read it into the public record last week and stated that he would read it again. He also noted that he did not directly submit the information to Council, it was submitted to the City Clerk's Office to be part of the council packets. He read the Housing Trust Status Report into the record. (Attached)

Councilor Stanganelli moved to approve 2021-107 as presented.

Councilor Rinaldi seconded.

Roll call vote taken: IN FAVOR (5) Hogg, Mandeville, Rinaldi, Stanganelli and Einson; OPPOSED (4) Wheeler, Gilday Kisielewski and Lennon

2021-110 An Ordinance to Establish a process for Licensing Business Activities. – Councilors Stanganelli, Lennon and Rinaldi sponsor

Summary: An Ordinance to establish enabling legislation to regulate businesses operating in the City of Amesbury and their fictitious names.

Councilor Stanganelli read the Finance Committee recommendation of September 28, 2021 in which 2021-110 was sent back to the City Council with a positive recommendation with a note for information for a total of fees from the City Clerk

Amanda Haggstrom, City Clerk stated that for the last year we took in a total of around \$13,000 but the General Business is not broken out.

Councilor Mandeville read the Ordinance Committee recommendation of September 21, 2021 in which it was sent back to the City Council with a positive recommendation.

Councilor Einson opened and closed the public hearing.

Councilor Wheeler moved to approve 2021-110 as presented.

Councilor Stanganelli seconded.

Roll call vote was taken and it was Unanimous (9)

2021-111 An Ordinance to amend the Amesbury Zoning Bylaw to establish and extend the retail cannabis overlay district to the Central Business District. – Councilors Stanganelli and Rinaldi sponsor

Summary: An Ordinance to amend the Amesbury zoning bylaw to extend the retail cannabis overlay district to allow retail sales of adult use and medical cannabis within the Commercial Zoning District of the Central Business District to be defined by Special Permit and site plan approval from the Planning Board; to amend section (XI.02) to the Amesbury Zoning Bylaw to regulate the permitting, locations, and operations of Adult Use Cannabis Establishments in this extended area; and to update the Zoning Map and the Table of Use Regulations in accordance with the changes.

Councilor Mandeville stated that at the Ordinance Committee this evening 2021-111 was continued to the next regular scheduled Ordinance Committee meeting.

Planning has not met on this yet so there is no recommendation from Planning.

Councilor Einson opened and closed the public hearing.

Councilor Stanganelli stated that there are multiple comments from various stakeholders and they would like to be responsive to those comments. They have also received comments from Mr. Reich at KP LAW that he would like to make note that in e-mails from his firm he noted that city zoning ordinances do not limit the number of retailers permitted in town. The intent is to only allow a specific number of retailers in certain areas in the overlay district. The ordinance needs to be clarified to expressly impose such a limit. Absent any restriction, it is his opinion, there is no limit to the number of marijuana establishments that may locate in the city. Also his opinion, this is not a licensing matter but a control of planned use. In our opinion, the zoning board needs an amendment needed to limit retail establishments and expand the overlay district. We are trying to be responsive and create language that adopts what his firm has put forward and what other people have submitted to us. One of the other pieces that has come up since has been a request from stakeholders to have some kind of minimum distance requirement between retailers. That number has not been hashed out but at some point we think it would be a good thing to have that number in place. Ideally we would have continuance on this. He does not believe they will be finished by the City Council meeting in November. They would like to work on it between now and then.

Councilor Gilday read a comment from Julie Alander. (Attached)

Councilor Kisieleski questioned if the Chamber of Commerce has made any comments. What is their view of the overlay changes?

Councilor Einson stated it was sent for their information, we did not request a recommendation.

Councilor Kisieleski asked if we can ask for that.

Councilor Lennon stated that she does recall seeing an e-mail related to this and believed it was circulated to all of the Council. She read it into the record. (Attached)
She stated that because we did reach out to the Chamber, she feels that this is going to be the Chamber's formal response to us at this time.

Councilor Gilday stated that she thinks that the cannabis bills are being rushed. She does not think that the community and the stakeholders have had an opportunity to even talk about this with the sponsors. There has been some anxiety in the business community over what may or may not happen. She hopes that we don't bother putting a cap on the licenses until we decide what we are going to do with the zoning in the downtown district. She added that she feels it is important not to cannibalize the existing retail businesses that we have out on Route 110 for two reasons. We have a burgeoning cannabis retail happening all around us in the area towns. There are more and more stores opening up which would be diluting the market. She also stated that because of the Amazon style of delivery, which does not require the proprietor have a brick & mortar in the town, therefore we receive potentially no tax revenue from the amazon style delivery service which is what is sanctioned by the CCC at this time. It is very important that we go carefully with cannabis. It is a big revenue generator. These are two currently important businesses in our community. She feels they need to pause a bit and do some more research and some information gathering with the stakeholders and the community in general.

Councilor Stanganelli stated that the Ordinance Committee was reviewing 2021-108, the licensing measure and alluded to that in the e-mail from Mr. Reich. There is no upper limit on any adult use cannabis retailer in the city and as noted in the overview document that was circulated to you, should have been in the packet, and shared with the Chamber and the stakeholders that were in attendance; at present there are at least five locations in the Rt. 110 corridor for some type of cannabis retail. At the present time we have no limitation on not only the limit, but also on the distance between them. That

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being said, he is aware of the Central Business District parking. That is why they reached out to Acting Chief Bailey. He and Councilor Rinaldi sat down with the Chief to find out what his input is. He stated that the gist of it was that he has no problem with traffic & parking enforcement. He stated that in response to the comment from Salon Aniu that while they are not going to fund a traffic study, it is very likely the Planning Board would require it of anyone who is applying as they have done with the other two existing retailers. There is also the potential that if we were to zone downtown, there may not even be the opportunity to be in downtown for any number of reasons because right now we don't have a lot of space available which is good for our downtown business district. If we do nothing, we become a very open target for having multiple companies approach the Mayor and the Mayor has not structure or framework to limit anyone who would like to come into the city.

Councilor Lennon pointed out that the council should carefully consider its discussion about the capacity of the Mayor to make her own decisions upon retail cannabis licenses or business development opportunities. It is not the council's job to babysit the Mayor. She is quite capable of making her own decisions and she is not a reason for the council to create a cap on the number of licenses that are available. Every single community in the commonwealth is being approached and exercised right now for their number of cannabis licenses, their willingness to host cannabis and their ability to do it. Amesbury is not unique just because we have two dispensaries operating currently. Every single other community is being vetted by every single possible development opportunity just like every other industry. This should be no different, and the council should not be acting with any conjecture toward the actions of the Executive Office because it is simply not in our purview.

Councilor Wheeler moved to continue 2021-111 to the November 9 City Council meeting.

Councilor Hogg seconded.

Roll Call vote was taken: Unanimous (9)

2021-125 An Order to authorize the Mayor to release a Drainage Easement located at 12-14 South Hunt Rd. – Mayor Sponsor

Summary: The property located at 12-14 South Hunt Road is subject to a drainage easement which is described as Parcel 1-D-6-T in a taking by the Department of Public Works acting on behalf of the Commonwealth of Massachusetts. The taking is recorded in the Essex South District Registry of Deeds in Book 5116, Page 1. The Amesbury Department of Public Works has made a determination that the drainage easement is no longer needed. If the City Council adopts this Order, the Mayor would then execute the documents necessary to release the drainage easement so that it no longer burdens the property at 12-14 South Hunt Rd.

Councilor Mandeville read the Ordinance Committee recommendation of September 21, 2021 in which 2021-125 was sent back to the Council with a positive recommendation.

Councilor Einson opened the public hearing.

Councilor Wheeler questioned Mr. Desmarais if this was constructed for highway drainage and no piping was installed so that is why we are letting this go.

Mr. Desmarais stated it was a drainage swale for the service road that was constructed that became South Hunt Rd during the highway construction. There was a swale there. That swale was used for the private development. They basically installed their own drainage underneath it so that a lot of water can pass down the road. Now with the new development there it has all been taken care of with the road reconstruction and development so it is unnecessary.

Councilor Lennon moved to accept 2021-125 as presented.

Councilor Wheeler seconded

Roll call vote was taken: Unanimous (9)

2021-128 An Order to authorize the interdepartmental transfer of funds from Election Salary and Wages to Election Voting Supplies. – Mayor sponsor

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Summary: The City Clerk seeks City Council approval to authorize the interdepartmental transfer of \$2,000.00 from the election Salary and Wages line item to the Election Voting Supplies line item.

Councilor Stanganelli read the Finance Committee recommendation of September 28, 2021 in which they sent 2021-128 back with a positive recommendation.

Councilor Einson opened and closed the public hearing.

Councilor Mandeville moved to approve 2021-128 as presented.

Councilor Lennon seconded.

Roll call vote was taken: Unanimous (9)

2021-129 An Order to Conserve a Certain Property Formerly known as the "Quinn Farm"-Mayor and Councilor Wheeler Sponsor

Summary: A measure to protect a certain city-owned property, in order to preserve open space and provide for passive recreational use that promotes the quality of life of Amesbury residents and for the preservation of natural resources, under the provisions of M.G.L. c. 40, §8C, as it may hereafter be amended; M.G.L c. 45, §3, as it may hereafter be amended; and Article 97 of the Amendments to the Massachusetts Constitution, as amended. Land would be placed under the care and custody of the Conservation Commission and would be reserved for conservation and passive recreation purposes.

Councilor Einson read the recommendation from Open Space Natural Resources & Trails of September 22, 2021 in which 2021-129 was sent back with a positive recommendation.

Amanda Haggstrom, City Clerk read the Conservation Commission recommendation in which 2021-129 was sent back to the City Council with a positive recommendation for approval as submitted.

Councilor Einson opened the public hearing.

Councilor Wheeler read a public comment from David Saums into the record:

"As an Amesbury resident who spoke before the City Council prior to the vote to purchase Henry Quinn's Meadow, I wish to state my full support for order 2021-129 as I would absolutely prefer to see this Conservation land remain as open Conservation land with no sale of buildable lots. This is a gorgeous meadow with a public access trail now to the top of the ridgeline and connections to Woodsom Farm. I had spoken to Henry Quinn when he was alive in 2001 and 2003 about the future of the meadow, and he was determined that it would never be open to development while he was alive.

Thank you,
Dave Saums
100 High St."

Councilor Einson closed the public hearing.

Councilor Wheeler moved to approve 2021-129 as presented.

Councilor Gilday seconded.

Roll call vote was taken: Unanimous (9)

Councilor Lennon moved to adjourn at 8:02pm

Councilor Wheeler seconded.

Roll call vote taken: Unanimous (9)

Respectfully submitted,

Sharon Dunning
Assistant City Clerk

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